

AMENDED IN SENATE JUNE 22, 2010

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1014

Introduced by Assembly Member Galgiani

February 27, 2009

An act to ~~add Section 12804.13 to~~ amend Section 12804.9 of, and to add Section 12804.11 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1014, as amended, Galgiani. Vehicles: driver's licenses: ~~farmers~~. agricultural endorsement.

(1) Existing law requires an applicant for a driver's license to submit to an examination appropriate to the class of vehicle the applicant desires to drive. Class B vehicles include, among others, a vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds. Successful completion of the examination to drive a class B vehicle qualifies the person to operate all vehicles covered under class C. Class C vehicles include, among others, a vehicle with a GVWR of 26,000 pounds or less. A violation of the Vehicle Code generally is an infraction.

This bill would revise those provisions to permit certain persons employed by an agricultural business to operate implements of husbandry and farm vehicles with a GVWR of more than 26,000 pounds only if the person obtains and maintains a class A, class B, or class C license and an agricultural endorsement issued by the Department of Motor Vehicles, after providing to the department proof of current

employment by an agricultural business and evidence of implement of husbandry or farm vehicle operation training. Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

~~(1) Existing law authorizes the Department of Motor Vehicles to issue a restricted class A driver's license for the operation of a 2-axle vehicle weighing 4,000 pounds or more unladen when towing a livestock trailer exceeding 10,000 pounds, but not exceeding 15,000 pounds gross vehicle weight rating or gross vehicle weight, if specified conditions are met, including that the vehicle is operated by a farmer and is used to transport livestock. A violation of the Vehicle Code generally is an infraction.~~

~~This bill would authorize the department to issue a class A or B restricted driver's license for the operation of a vehicle in the production, harvesting, or transportation of silage by a farmer, employee of a farmer, or contracted employee of a farmer, between one part of a farm and another part of that farm or from one farm to another farm, on a highway for a distance not to exceed 20 miles from the point of origin of the trip, in specified counties. The bill would require the department to follow specified federal regulations in issuing those driver's licenses. The bill would require a licensed California driver applying for one of those driver's licenses, upon application and every 2 years thereafter, to submit medical information on a form approved by the department. Because a violation of the bill's provisions would be an infraction, the bill would impose a state-mandated local program.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12804.9 of the Vehicle Code is amended
- 2 to read:
- 3 12804.9. (a) (1) The examination shall include all of the
- 4 following:

1 (A) A test of the applicant's knowledge and understanding of
2 the provisions of this code governing the operation of vehicles
3 upon the highways.

4 (B) A test of the applicant's ability to read and understand
5 simple English used in highway traffic and directional signs.

6 (C) A test of the applicant's understanding of traffic signs and
7 signals, including the bikeway signs, markers, and traffic control
8 devices established by the Department of Transportation.

9 (D) An actual demonstration of the applicant's ability to exercise
10 ordinary and reasonable control in operating a motor vehicle by
11 driving it under the supervision of an examining officer. The
12 applicant shall submit to an examination appropriate to the type
13 of motor vehicle or combination of vehicles he or she desires a
14 license to drive, except that the department may waive the driving
15 test part of the examination for any applicant who submits a license
16 issued by another state, territory, or possession of the United States,
17 the District of Columbia, or the Commonwealth of Puerto Rico if
18 the department verifies through any acknowledged national driver
19 record data source that there are no stops, holds, or other
20 impediments to its issuance. The examining officer may request
21 to see evidence of financial responsibility for the vehicle prior to
22 supervising the demonstration of the applicant's ability to operate
23 the vehicle. The examining officer may refuse to examine an
24 applicant who is unable to provide proof of financial responsibility
25 for the vehicle, unless proof of financial responsibility is not
26 required by this code.

27 (E) A test of the hearing and eyesight of the applicant, and of
28 other matters that may be necessary to determine the applicant's
29 mental and physical fitness to operate a motor vehicle upon the
30 highways, and whether any grounds exist for refusal of a license
31 under this code.

32 (2) The examination for a class A or class B driver's license
33 under subdivision (b) shall also include a report of a medical
34 examination of the applicant given not more than two years prior
35 to the date of the application by a health care professional. As used
36 in this paragraph, "health care professional" means a person who
37 is licensed, certified, or registered in accordance with applicable
38 state laws and regulations to practice medicine and perform
39 physical examinations in the United States. Health care
40 professionals are doctors of medicine, doctors of osteopathy,

1 physician assistants, and registered advanced practice nurses, or
2 doctors of chiropractic who are clinically competent to perform
3 the medical examination presently required of motor carrier drivers
4 by the federal Department of Transportation. The report shall be
5 on a form approved by the department, the federal Department of
6 Transportation, or the Federal Aviation Administration. In
7 establishing the requirements, consideration may be given to the
8 standards presently required of motor carrier drivers by the Federal
9 Highway Administration.

10 (3) A physical defect of the applicant that, in the opinion of the
11 department, is compensated for to ensure safe driving ability, shall
12 not prevent the issuance of a license to the applicant.

13 (b) In accordance with the following classifications, an applicant
14 for a driver's license shall be required to submit to an examination
15 appropriate to the type of motor vehicle or combination of vehicles
16 the applicant desires a license to drive:

17 (1) Class A includes the following:

18 (A) A combination of vehicles, if a vehicle being towed has a
19 gross vehicle weight rating of more than 10,000 pounds.

20 (B) A vehicle towing more than one vehicle.

21 (C) A trailer bus.

22 (D) The operation of all vehicles under class B and class C.

23 (2) Class B includes the following:

24 (A) ~~A~~ *Except as provided in subparagraph (H) of paragraph*
25 *(3), a* single vehicle with a gross vehicle weight rating of more
26 than 26,000 pounds.

27 (B) A single vehicle with three or more axles, except any
28 three-axle vehicle weighing less than 6,000 pounds.

29 (C) A bus except a trailer bus.

30 (D) A farm labor vehicle.

31 (E) A single vehicle with three or more axles or a gross vehicle
32 weight rating of more than 26,000 pounds towing another vehicle
33 with a gross vehicle weight rating of 10,000 pounds or less.

34 (F) A house car over 40 feet in length, excluding safety devices
35 and safety bumpers.

36 (G) The operation of all vehicles covered under class C.

37 (3) Class C includes the following:

38 (A) A two-axle vehicle with a gross vehicle weight rating of
39 26,000 pounds or less, including when the vehicle is towing a

1 trailer or semitrailer with a gross vehicle weight rating of 10,000
2 pounds or less.

3 (B) Notwithstanding subparagraph (A), a two-axle vehicle
4 weighing 4,000 pounds or more unladen when towing a trailer
5 coach not exceeding 9,000 pounds gross.

6 (C) A house car of 40 feet in length or less.

7 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

8 (E) A house car of 40 feet in length or less or vehicle towing
9 another vehicle with a gross vehicle weight rating of 10,000 pounds
10 or less, including when a tow dolly is used. A person driving a
11 vehicle ~~may~~ *shall* not tow another vehicle in violation of Section
12 21715.

13 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
14 unladen when towing either a trailer coach or a fifth-wheel travel
15 trailer not exceeding 10,000 pounds gross vehicle weight rating,
16 when the towing of the trailer is not for compensation.

17 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen
18 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,
19 but not exceeding 15,000 pounds, gross vehicle weight rating,
20 when the towing of the trailer is not for compensation, and if the
21 person has passed a specialized written examination provided by
22 the department relating to the knowledge of this code and other
23 safety aspects governing the towing of recreational vehicles upon
24 the highway.

25 The authority to operate combinations of vehicles under this
26 subparagraph may be granted by endorsement on a class C license
27 upon completion of that written examination.

28 (G) A vehicle or combination of vehicles with a gross
29 combination weight rating or a gross vehicle weight rating, as
30 those terms are defined in subdivisions (j) and (k), respectively,
31 of Section 15210, of 26,000 pounds or less, if all of the following
32 conditions are met:

33 (i) Is operated by a farmer, an employee of a farmer, or an
34 instructor credentialed in agriculture as part of an instructional
35 program in agriculture at the high school, community college, or
36 university level.

37 (ii) Is used exclusively in the conduct of agricultural operations.

38 (iii) Is not used in the capacity of a for-hire carrier or for
39 compensation.

1 (H) *An implement of husbandry, as defined in Division 16*
2 *(commencing with Section 36000) or a farm vehicle, as described*
3 *in Section 36101, with a gross vehicle weight rating of more than*
4 *26,000 pounds and operated by a person who is required to have*
5 *an agricultural endorsement pursuant to Section 12804.11.*

6 ~~(H)~~

7 (I) A motorized scooter.

8 ~~(H)~~

9 (J) Class C does not include a two-wheel motorcycle or a
10 two-wheel motor-driven cycle.

11 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.
12 Authority to operate a vehicle included in a class M1 license may
13 be granted by endorsement on a class A, B, or C license upon
14 completion of an appropriate examination.

15 (5) (A) Class M2 includes the following:

16 (i) A motorized bicycle or moped, or a bicycle with an attached
17 motor, except a motorized bicycle described in subdivision (b) of
18 Section 406.

19 (ii) A motorized scooter.

20 (B) Authority to operate vehicles included in class M2 may be
21 granted by endorsement on a class A, B, or C license upon
22 completion of an appropriate examination, except that no
23 endorsement is required for a motorized scooter. Persons holding
24 a class M1 license or endorsement may operate vehicles included
25 in class M2 without further examination.

26 (c) A driver's license or driver certificate is not valid for
27 operating a commercial motor vehicle, as defined in subdivision
28 (b) of Section 15210, any other motor vehicle defined in paragraph
29 (1) or (2) of subdivision (b), or any other vehicle requiring a driver
30 to hold any driver certificate or any driver's license endorsement
31 under Section 15275, unless a medical certificate approved by the
32 department, the federal Department of Transportation, or the
33 Federal Aviation Administration, that has been issued within two
34 years of the date of the operation of that vehicle, is within the
35 licensee's immediate possession, and a copy of the medical
36 examination report from which the certificate was issued is on file
37 with the department. Otherwise, the license is valid only for
38 operating class C vehicles that are not commercial *motor* vehicles,
39 as defined in subdivision (b) of Section 15210, and for operating

1 class M1 or M2 vehicles, if so endorsed, that are not commercial
2 *motor* vehicles, as defined in subdivision (b) of Section 15210.

3 (d) A license or driver certificate issued prior to the enactment
4 of Chapter 7 (commencing with Section 15200) is valid to operate
5 the class or type of vehicles specified under the law in existence
6 prior to that enactment until the license or certificate expires or is
7 otherwise suspended, revoked, or canceled.

8 (e) The department may accept a certificate of driving skill that
9 is issued by an employer, authorized by the department to issue a
10 certificate under Section 15250, of the applicant, in lieu of a driving
11 test, on class A or B applications, if the applicant has first qualified
12 for a class C license and has met the other examination
13 requirements for the license for which he or she is applying. The
14 certificate may be submitted as evidence of the applicant's skill
15 in the operation of the types of equipment covered by the license
16 for which he or she is applying.

17 (f) The department may accept a certificate of competence in
18 lieu of a driving test on class M1 or M2 applications, when the
19 certificate is issued by a law enforcement agency for its officers
20 who operate class M1 or M2 vehicles in their duties, if the applicant
21 has met the other examination requirements for the license for
22 which he or she is applying.

23 (g) The department may accept a certificate of satisfactory
24 completion of a novice motorcyclist training program approved
25 by the commissioner pursuant to Section 2932 in lieu of a driving
26 test on class M1 or M2 applications, if the applicant has met the
27 other examination requirements for the license for which he or she
28 is applying. The department shall review and approve the written
29 and driving test used by a program to determine whether the
30 program may issue a certificate of completion.

31 (h) Notwithstanding subdivision (b), a person holding a valid
32 California driver's license of any class may operate a short-term
33 rental motorized bicycle without taking any special examination
34 for the operation of a motorized bicycle, and without having a
35 class M2 endorsement on that license. As used in this subdivision,
36 "short-term" means 48 hours or less.

37 (i) A person under the age of 21 years ~~may~~ *shall* not be issued
38 a class M1 or M2 license or endorsement unless he or she provides
39 evidence satisfactory to the department of completion of a
40 motorcycle safety training program that is operated pursuant to

1 Article 2 (commencing with Section 2930) of Chapter 5 of Division
2 2.

3 (j) A driver of a vanpool vehicle may operate with a class C
4 license but shall possess evidence of a medical examination
5 required for a class B license when operating vanpool vehicles. In
6 order to be eligible to drive the vanpool vehicle, the driver shall
7 keep in the vanpool vehicle a statement, signed under penalty of
8 perjury, that he or she has not been convicted of reckless driving,
9 drunk driving, or a hit-and-run offense in the last five years.

10 (k) A class M license issued between January 1, 1989, and
11 December 31, 1992, shall permit the holder to operate any
12 motorcycle, motor-driven cycle, or motorized bicycle until the
13 expiration of the license.

14 *SEC. 2. Section 12804.11 is added to the Vehicle Code, to*
15 *read:*

16 *12804.11. (a) Except as provided in Section 36300, to operate*
17 *an implement of husbandry, as defined in Division 16 (commencing*
18 *with Section 36000), or a farm vehicle, as described in Section*
19 *36101, with a gross vehicle weight rating of more than 26,000*
20 *pounds, a driver is required to obtain and maintain an agricultural*
21 *endorsement issued by the department and obtain and maintain a*
22 *class A, class B, or class C license. To qualify for an agricultural*
23 *endorsement, the driver shall provide to the department proof of*
24 *current employment by an agricultural business and evidence of*
25 *implement of husbandry or farm vehicle operation training by*
26 *providing a letter, or other indication, from the agricultural*
27 *business.*

28 *(b) There shall be no additional charge for adding an*
29 *agricultural endorsement to an original license or when renewing*
30 *a license. To add an agricultural endorsement to an existing license*
31 *when not renewing the license, the applicant shall pay the fee for*
32 *a duplicate license pursuant to Section 14901.*

33 *(c) (1) A driver of an implement of husbandry or a farm vehicle*
34 *is subject to subdivision (a) if both of the following conditions*
35 *exist:*

36 *(A) The implement of husbandry or farm vehicle is operated by*
37 *a person employed by an agricultural business that owns the*
38 *implement of husbandry or farm vehicle.*

39 *(B) The motor vehicle, with a gross vehicle weight rating of*
40 *more than 26,000 pounds, is used for an agricultural purpose.*

(2) A driver of an implement of husbandry or farm vehicle is not required to obtain and maintain an agricultural endorsement pursuant to subdivision (a) if the driver is operating the implement of husbandry or farm vehicle for training purposes while under the direct supervision of an agricultural business employee who is properly licensed to operate the implement of husbandry or farm vehicle and is authorized by the business to provide the training.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SECTION 1. ~~Section 12804.13 is added to the Vehicle Code, to read:~~

~~12804.13. (a) The department may issue a restricted class A or class B driver's license for the operation of a vehicle in the production, harvesting, or transportation of silage, as described in subdivision (i) of Section 36101, in any of the following counties:~~

- ~~(1) Butte.~~
- ~~(2) Del Norte.~~
- ~~(3) Fresno.~~
- ~~(4) Glenn.~~
- ~~(5) Humboldt.~~
- ~~(6) Imperial.~~
- ~~(7) Kern.~~
- ~~(8) Kings.~~
- ~~(9) Los Angeles.~~
- ~~(10) Madera.~~
- ~~(11) Marin.~~
- ~~(12) Mendocino.~~
- ~~(13) Merced.~~
- ~~(14) Monterey.~~
- ~~(15) Placer.~~
- ~~(16) Riverside.~~
- ~~(17) Sacramento.~~
- ~~(18) San Bernardino.~~

1 ~~(19) San Benito.~~
2 ~~(20) San Diego.~~
3 ~~(21) San Joaquin.~~
4 ~~(22) San Luis Obispo.~~
5 ~~(23) Santa Barbara.~~
6 ~~(24) Santa Clara.~~
7 ~~(25) Santa Cruz.~~
8 ~~(26) Shasta.~~
9 ~~(27) Siskiyou.~~
10 ~~(28) Solano.~~
11 ~~(29) Sonoma.~~
12 ~~(30) Stanislaus.~~
13 ~~(31) Sutter.~~
14 ~~(32) Tehama.~~
15 ~~(33) Tulare.~~
16 ~~(34) Yolo.~~
17 ~~(35) Yuba.~~

18 ~~(b) The department shall implement subdivision (a) in~~
19 ~~conformance with the regulations in Part 383 (commencing with~~
20 ~~Section 383.1) of Title 49 of the Code of Federal Regulations. The~~
21 ~~department shall follow those regulations in acting pursuant to this~~
22 ~~section as those regulations now exist and as they are hereafter~~
23 ~~amended.~~

24 ~~(c) In lieu of a report of a medical examination required by~~
25 ~~Section 12804.9, a licensed California driver applying for a~~
26 ~~restricted license issued pursuant to subdivision (a) shall, upon~~
27 ~~application and every two years thereafter, submit medical~~
28 ~~information on a form approved by the department.~~

29 ~~SEC. 2. The Legislature finds and declares that a special law~~
30 ~~is necessary and that a general law cannot be made applicable~~
31 ~~within the meaning of Section 16 of Article IV of the California~~
32 ~~Constitution because of the unique circumstances applicable to~~
33 ~~vehicles operated as described in subdivision (a) of Section~~
34 ~~12804.13 of the Vehicle Code in the counties listed in subdivision~~
35 ~~(a) of Section 12804.13 of the Vehicle Code.~~

36 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
37 ~~Section 6 of Article XIII B of the California Constitution because~~
38 ~~the only costs that may be incurred by a local agency or school~~
39 ~~district will be incurred because this act creates a new crime or~~
40 ~~infraction, eliminates a crime or infraction, or changes the penalty~~

1 ~~for a crime or infraction, within the meaning of Section 17556 of~~
2 ~~the Government Code, or changes the definition of a crime within~~
3 ~~the meaning of Section 6 of Article XIII B of the California~~
4 ~~Constitution.~~

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